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Forests

Assignment of reserved forest area in Omalur taluk.

* 629 Q.—Mr. K. A. NACHIYAPPA GOUNDER : Will the hon. the Law Member be pleased to state—

(a) whether petitions have been received from the ryots of Omalur taluk in Salem district for the assignment of land in reserved forest area for cultivation ; and

(b) if so, with what result ?

A.—Petitions have been received from the ryots of Bommidi and adjacent villages for the assignment of 1,045 acres of land in the Mallapuram and Mallapuram Extension reserved forests in the Omalur and Uttangarai taluks of the Salem district. The Government have decided to disforest and assign the area for cultivation. An area of 551 acres has already been disforested and the Board of Revenue has been instructed to take steps for the survey and assignment of that area. The remaining portion will be disforested after the forest department has removed the existing tree growth in the area.

Jails

Appeal by Mr. N. Damodaram for remission of sentence.

* 630 Q.—Mr. SAMI VENKATACHALAM CHETTI : Will the hon. the Law Member be pleased to state—

(a) whether the Government have remitted a portion of the sentence of two years passed by the Madras High Court in Sessions Case No. 9 on one C. G. Dumaine, and released him ; if so, what is the term of sentence thus remitted and for what reasons ;

(b) whether the Government are aware that along with C. G. Dumaine, one N. Damodaram was also convicted in the same case for the same term of imprisonment and for the same offence ;

(c) whether N. Damodaram has appealed to the Government to remit the unexpired portion of the sentence passed on him ;

(d) what orders Government have passed on that petition ; and

(e) if the Government have declined to remit the sentence as desired, what are the reasons which influenced the Government to do so, while they have released the co-accused in the said case ?

A.—(a) Yes. The portion of the sentence remitted amounted to about one year. The sentence was remitted in view of the old age of Dumaine and the facts, throwing doubt on his guilt, brought to notice in the Judgment in C.S No. 265 of 1928 on the file of the High Court.

(b) Yes, but the evidence against Damodaram was different from that against Dumaine.

(c) Yes.

(d) The Government decline to interfere with the sentence passed on him.

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(e) Damodaram was found guilty of the actual commission of the offence. Dumaine was found guilty only by force of section 34, Indian Penal Code. The attention of the hon. Member is invited also to the answer to clause (a).

Mr. SAMI VENKATACHALAM CHETTI :—" May I ask the hon. the Law Member, having regard to the indifferent health of this convict, Damodaram, also, whether he will be pleased to re-peruse the papers and see if any remission cannot be given to him, if not a complete remission ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" I do not know whether he is ill at all, Sir. I have absolutely no information."

Mr. V. M. RAMASWAMI MUDALIYAR :—" May I know whether the substantial offence under which both have been convicted is the same ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" The offence is the same, but Damodaram was charged with the actual commission of the offence. Dumaine was charged with the offence simply because he was a member of the firm. He was not directly concerned with the facts that constituted the offence."

Mr. V. M. RAMASWAMI MUDALIYAR :—" Am I to understand that Damodaram was found guilty of an offence actually, and that Mr. Dumaine was punished because he abetted the offence, and if so, whether the Government makes a distinction or tries to make a distinction between the nature of the two offences ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" The Government have not made any distinction. The Judge's charge to the jury itself says that Damodaram was really guilty of the actual commission of the offence, whereas Dumaine was guilty by force of Section 34, Indian Penal Code, because he was a member of the firm."

Mr. SAMI VENKATACHALAM CHETTI :—" If, as the hon. the Law Member says, the release of this prisoner was due to the manner in which the charge was delivered by the presiding Judge to the jury, I suppose the same thing holds good when the Government declined to interfere on the petitions presented by these accused before another judgment came in. "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" As I have stated in the answer to my hon. Friend's question, remission was granted by the Government for two reasons, first that he was old, and secondly, that there was some doubt cast on his guilt, in another case, a civil case, to which he was a party."

Mr. ABDUL HAMEED KHAN :—" May I know from the hon. the Law Member whether both these convicts were not charged under the same section ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" One was charged under a particular section ; the other was charged under that section read with section 34 of the Indian Penal Code."

Mr. M. A. MANIKKAVELU NAYAKAR :—" Is Mr. Damodaram a European or an Indian, Sir ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" I am as much in the dark about it as my hon. Friend." (Laughter.)

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B. POCKER SAHIB Bahadur :—" Was the learned Judge who tried the case consulted about the remission of the sentences on these accused, and what was the opinion given, Sir ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" The High Court is not always consulted in such matters. The Government exercise their discretion."

B. POCKER SAHIB Bahadur :—" Is it not the practice for the Government to consult the particular Judge who convicted the accused before the remission was given ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" It is not always the practice."

Transfer of Mr. Narayana Menon to the Vellore Jail.

* 631 *Q.*—B. POCKER SAHIB Bahadur : Will the hon. the Law Member be pleased to state—

(*a*) whether Mr. M. P. Narayana Menon, a prisoner in the Madras Penitentiary, has been transferred to Vellore Jail and if so, when and for what reasons ;

(*b*) if the answer to question (*a*) is in the affirmative, whether the transfer has anything to do with the incident of 10th February 1931, when the said prisoner is alleged to have been severely beaten ; and

(*c*) whether any officer of the Madras Penitentiary was transferred in connexion with the said incident of the 10th February 1931 ?

A.—(*a*) Yes, on 20th February 1931 in the interests of jail discipline.

(*b*) No.

(*c*) The Government have not the information but have called for it.

Mr. SAMI VENKATACHALAM CHETTI :—" When do the Government expect to receive the information which they have called for, Sir, having regard to the fact that the incident took place some weeks ago ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" I cannot say."

Mr. V. M. RAMASWAMI MUDALIYAR :—" May I know what is the interest of jail discipline that is referred to in the answer ? What is the interest of jail discipline for which Mr. Narayana Menon was transferred from the Madras Penitentiary to the Vellore Jail ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" He was in the Penitentiary for a period of between 7 and 8 years, and the Jail authorities thought that in such a case it was desirable that he should be transferred to the Vellore Jail."

Mr. V. M. RAMASWAMI MUDALIYAR :—" May I know whether Mr. Narayana Menon, when he was in the Madras Penitentiary, was having the benefit of the company of a Visitor like Dr. Hogg very frequently ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" Of course, he may have had many Visitors. "

Mr. ABDUL HAMEED KHAN :—" When was Mr. Narayana Menon transferred to the Vellore Jail, Sir ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" The answer is given in the printed paper."